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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,524	10/10/2001	Christopher R. Vincent	POU920010113US1	1514
23334	7590	05/18/2005	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			BADI, BEHRANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/976,524

Applicant(s)

VINCENT, CHRISTOPHER R.

Examiner

Behrang Badii

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5-9, 16-20 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-9, 16-20 and 27-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/10/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Applicant's election of claims 5-9, 16-20 & 27-31 in the reply filed on 3/3/2005 is acknowledged. Claims 1-4, 10-15, 21-26 & 32-33 have been cancelled without prejudice or disclaimer. The requirement is still deemed proper and is therefore make FINAL.

Claims 5-9, 16-20 & 27-31 have been examined.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5-9, 16-20 & 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Serbinis et al., U.S patent 6,314,425.

As per claims 5, 16 & 27, Serbinis et al. discloses a method/system/computer readable medium of controlling access to data on a computer (abstract), the method comprising:

accepting a request for a data item, wherein the request contains a nonce value, wherein the nonce value comprises a token that is only accepted for a limited number of requests (col.3, 57-67; col.4, 1-4; col.20, 16-25; The tokens are used to limit the user's access);

determining that the nonce value is valid and has been accepted for fewer than the limited number of requests (col.4, 66-67; col.5, 1-19; col.3, 57-67; col.4, 1-4; col.20, 16-25; Validating the token and limiting the amount of time the token can request to use the system/data.); and

responding to the request by returning the data item in response to the determining that the nonce value is valid and accepted for fewer than the limited number of requests (abstract; col.3, 57-67; col.4, 1-4; col.20, 16-25; Returning the data after the token has been validated and before the expiration time of the token, limiting the number of times the token can be used to request data from the system).

As per claims 6, 17 & 28, Serbinis et al. discloses charging (billing) an entity in response to returning the data item the step in conjunction with the use of the nonce (token) value (col.15, 30-38).

As per claims 7, 18 & 29, Serbinis et al. discloses wherein the nonce (token) value comprises an expiration time and wherein the determining further determines that the nonce (token) value has not expired (col.21, 19-26).

As per claims 8, 19 & 30, Serbinis et al. discloses wherein the determining that the nonce value is valid and accepted for fewer than the limited number of requests further comprises comparing the nonce value to a list of stored and valid nonce values (comparing the token to a list for validation) (col.21, 30-51).

As per claims 9, 20 & 31, Serbinis et al. discloses wherein the list of stored and valid nonce values is shared with an entity that originated the data request (file sharing, and the token value (data) are in those files) (abstract; col.2, 43-49).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Corbin (U.S. patent 5,138,712) discloses an apparatus and method for licensing software on a network of computers.

Norris (U.S. patent 6,718,328) discloses a system and method for providing controlled and secured access to network resources.

Lau et al. (U.S. patent 6,182,124) discloses a token-based deadline enforcement system for electronic document submission.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**Any response to this action should be mailed to:**

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Hand delivered responses should be brought to

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401 Dulany Street  
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the Technology Center 3600 Customer Service  
Office whose telephone number is **(703) 306-5771**.

Behrang Badii  
Patent Examiner  
Art Unit 3621

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

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